IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 9390 of 1998

For Approval and Signature:

HONOURABLE MR.JUSTICE SHARAD D.DAVE

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

GOVINDBHAI SAVSHIBHAI C/O SURENDRANAGAR JILLA SHRAMJIVI - Petitioner(s)

Versus

STATE OF GUJARAT & 2 - Respondent(s)

==========

Appearance :

MRS SANGEETA N PAHWA for Petitioner(s) : 1,
Ms.Rita Chandarana, AGP for Respondent(s) : 1 - 3.

==========

CORAM : HONOURABLE MR.JUSTICE SHARAD D.DAVE

Date : 18/10/2005

CAV JUDGMENT

1.By filing this petition, the petitioner has prayed to direct the respondents to pay the minimum time scale of

Rs.750/-, dearness allowance, medical allowance and HRA along with the other benefits of earned leave and public holiday etc., as per Government Resolution dated 17.10.1988 with effect from 01.01.1996 onwards.

2. It is submitted by the learned advocate appearing for the petitioner that the resolution dated 17.10.1988 was made applicable to the daily wagers who are working for maintenance and repairs of construction in various departments of the Government including the Forest and Environment Department and therefore, the same benefits should be extended to the petitioner herein also.

3. Ms.Rita Chandarana, learned AGP has submitted that the issue involved in this petition has been decided by Full Bench of this petition in the case of Gujarat Forest Producers, Gatherers and Forests Workers Union V/s State of Gujarat, reported in 2004(2) GLH 302. In the said decision, this Court has held that the Government Resolution dated 17.10.1988 is applicable to the daily wagers of the Forest and Environment Department engaged in the work of maintenance and repairs of constructions in that department and not to the daily wagers engaged in any other types of work in that department.

4. In the present case, as submitted by the learned AGP

and as pointed out in the affidavit-in-reply filed by the respondents that the petitioner is not working as a daily wager of Forest and Environment Department engaged in the work of maintenance and repairs of construction. Since the Government Resolution dated 17.10.1988 is not applicable to the case of the petitioner, the grievance raised by the petitioner in this petition cannot be entertained.

5. Under the circumstances, I do not find any substance in this petition and therefore, the same deserves to be dismissed. Accordingly, this petition is dismissed. Rule is discharged. Interim relief granted earlier stands vacated.

(SHARAD D DAVE, J)

srilatha